Supreme Court, U.S.
FILED
FEB 20 1987
JOSEPH F. SPANIOL, JR.
CLERK

No. 86-239

IN THE

Supreme Court of the United States

OCTOBER TERM, 1986

CHEMICAL MANUFACTURERS ASSOCIATION,
Petitioner,

v.

NATURAL RESOURCES DEFENSE COUNCIL, INC., *et al.*,
Respondents.

On Petition For A Writ of Certiorari To The United States Court of Appeals for the Third Circuit

SUPPLEMENTAL BRIEF OF PETITIONER CHEMICAL MANUFACTURERS ASSOCIATION

THEODORE L. GARRETT
COVINGTON & BURLING
1201 Pennsylvania Avenue, N.W.
P.O. Box 7566
Washington, D.C. 20044
(202) 662-5398

Attorney of Record for Petitioner Chemical Manufacturers Association

February 1987

IN THE

Supreme Court of the United States

OCTOBER TERM, 1986

No. 86-239

CHEMICAL MANUFACTURERS ASSOCIATION,
Petitioner,

v.

NATURAL RESOURCES DEFENSE COUNCIL, INC., *et al.*,
Respondents.

SUPPLEMENTAL BRIEF OF PETITIONER CHEMICAL MANUFACTURERS ASSOCIATION

Pursuant to Rule 22.6, petitioner Chemical Manufacturers Association requests that this Court grant *certiorari*, vacate or stay the decision below, and remand this case for further proceedings in light of the amendments to the Clean Water Act enacted on February 4, 1987.[1]

Section 406(e) of these amendments overrules the decision below. It expressly stays the decision below and authorizes removal credits previously approved and submitted for approval before February 4, 1987. The amendments also authorize the granting of ad-

---

[1] Water Quality Act of 1987, Section 406, Public Law 100-4, 101 Stat. 7. A copy of these amendments has just been filed with the Court by respondent Environmental Protection Agency.

ditional credits upon promulgation of sludge regulations by August 1987 under § 405 of the Act.

The recent amendments are at odds with the decision below and were intended to resolve the problems created by that decision. The appropriate course of action is to grant *certiorari*, vacate or stay the decision below, and remand the case for further proceedings consistent with the new amendments.[2]

Respectfully submitted,

THEODORE L. GARRETT
COVINGTON & BURLING
1201 Pennsylvania Avenue, N.W.
P.O. Box 7566
Washington, D.C. 20044
(202) 662-5398

Attorney of Record for Petitioner Chemical Manufacturers Association

February 1987

---

[2] *See* United States v. Provenzano, 469 U.S. 14 (1984); Stern and Gressman, *Supreme Court Practice*, 6th ed., § 5.13 (1986).